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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IRREVOCABLE TRUST OF
ANTHONY J. ANTONIOUS,**

Plaintiff,

v.

NIKE, INC., an Oregon Corporation

Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff, THE IRREVOCABLE TRUST OF ANTHONY J. ANTONIOUS (“Antonious” of “Plaintiff”), files this Complaint against NIKE, INC., an Oregon Corporation (“NIKE” or “Defendant”), and demanding a trial by jury, avers as follows:

JURISDICTION AND VENUE

1. This is a civil action for patent infringement, under the United States Patent Act, 35 U.S.C. § 101 *et seq.* The Court therefore has jurisdiction over the claims pursuant to 28 U.S.C. §§ 1331 and 1338.

2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because the named defendant is a multi-national company, conducts business activities within this District, has a registered agent in this District and acts of infringement have taken place in this District.

THE PARTIES

3. Plaintiff, THE IRREVOCABLE TRUST OF ANTHONY J. ANTONIOUS, is a trust organized under the laws of the State of Florida and now situated in Wanaque, Passaic County, New Jersey.

4. Upon information and belief, Defendant Nike is a corporation organized under the laws of the State of Oregon, having a business address in Beaverton, Oregon.

FACTS COMMON TO ALL COUNTS

5. This action is brought to obtain equitable and legal relief for the Defendant's infringement of Plaintiff's United States Patent.

6. Plaintiff is the owner of United States Patent No. 5,735,754, entitled Aerodynamic Wood Golf Club Head (the "'754 Patent"). The '754 Patent relates to a metal wood golf for a golf club head. (Exhibit "A" herewith). The Re-Examination Certification thereof dated January 5, 2010 is attached as "Exhibit "B" herewith.

7. On information and belief, since at least January 5, 2010, Defendant has been and is infringing, contributing to infringement and/or inducing others to infringe the '754 Patent by making, using, offering for sale, selling, or importing golf clubs that infringe upon the '754 Patent.

8. Defendant's acts of infringement have occurred within this District and elsewhere throughout the United States.

9. Plaintiff is the owner of the '754 Patent and has complied with the provisions of the United States Patent Laws as 35 U.S.C. § 1 et seq. with respect to said '754 Patent.

10. Plaintiff has retained the undersigned counsel to represent it in this matter and is obligated to pay a reasonable fee for such representation.

COUNT I
DIRECT PATENT INFRINGEMENT

11. Plaintiff realleges and incorporates by reference the matters alleged in the foregoing paragraphs of this Complaint as if fully set forth herein.

12. Plaintiff has not authorized Defendant to make, use, offer for sale, sell or import products infringing Plaintiff's '754 Patent.

13. Plaintiff is informed and believes, and based thereon alleges that Defendant has infringed the '754 Patent by, among other things, making, using, importing, advertising, offering for sale, and selling products infringing Plaintiff's '754 Patent including, without limitation, various drivers, hybrids and fairways woods sold under the name SQ DYMO, and other of Defendant's golf clubs, principally during the 2008 to 2011 period. Photographs of exemplary clubs are attached as "Exhibits "C" and "D" herewith.

14. Defendant is thereby directly infringing the '754 Patent, pursuant to 35 U.S.C. § 284.

15. Unless enjoined, Defendant will continue to infringe the '754 Patent and Plaintiff will suffer irreparable injury as a direct and proximate result of Defendant's conduct.

16. Plaintiff has been damaged and injured by Defendant's conduct, and until an injunction issues will continue to be damaged and injured in an amount yet to be determined.

17. On information and belief, Defendant was advised of the '754 Patent and the Plaintiff's rights to the patented article.

18. Defendant proceeded to knowingly and willfully disregard Plaintiff's rights and to infringe Plaintiff's '754 Patent.

19. Plaintiff is therefore entitled to an amount which is treble the amount of Plaintiff's damages found or assessed.

20. Based on Defendant's willful infringement, Plaintiff believes this to be an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35 U.S.C. § 285.

21. Defendant has caused and continues to cause irreparable injury to Plaintiff by infringement of Plaintiff's '754 Patent.

COUNT II
INDUCEMENT OF PATENT INFRINGEMENT

22. Plaintiff realleges and incorporates by reference the matters alleged in the foregoing paragraphs of this Complaint as if fully set forth herein.

23. Plaintiff has not authorized Defendant to make, use, offer for sale, sell or import products infringing Plaintiff '754 Patent.

24. Plaintiff is informed and believes, and based thereon alleges that Defendant has infringed the '754 Patent by actively inducing its agents and others t, among other things, make, use, import, advertise, offer for sale, and sell products infringing Plaintiff's '754 Patent.

25. Defendant is thereby inducing others including, without limitation, Defendant's distributors, retailers and end users to infringe said '754 Patent, pursuant to 35 U.S.C. § 271(c).

26. Unless enjoined, Defendant will continue to induce infringement of the '754 Patent, and Plaintiff will suffer irreparable injury as a direct and proximate result of Defendant's conduct.

27. Plaintiff has been damages and injured by Defendant's conduct, and until an injunction issues will continue to be damaged and injured in an amount yet to be determined.

28. On information and belief, Defendant was advised of the '754 Patent and the Plaintiff's right to the patented structure.

29. Defendant proceeded to knowingly and willfully disregard Plaintiff's right and to infringe Plaintiff's '754 Patent.

30. Plaintiff is therefore entitled to an amount which is treble the amount of Plaintiff's damages found or assessed.

31. Based on Defendant's willful infringement, Plaintiff believes this to be an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35 U.S.C. § 285.

JURY DEMAND

Plaintiff demands a trial by jury as to all issues so triable as a matter of law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, The Irrevocable Trust of Anthony J. Antonious, prays that the Court enter a judgment in favor of Plaintiff as follows:

- (1) That the Plaintiff's '754 Patent is valid and enforceable;
- (2) That the '754 Patent is infringed by Defendant's SQ DYMO lines of products;
- (3) That Defendant's infringement was willful;
- (4) That Defendant and its directors, officers, employees, attorneys, agents, and all persons in active concert or participation with any of the foregoing be preliminarily and permanently enjoined from further acts of infringements of the '754 Patent.
- (5) That Defendant be required to pay Plaintiff's damages according to 35 U.S.C. § 284, including actual damages, and in no less than a reasonable royalty regarding Defendant's revenues and those of its agents from infringing sales revenues and of revenues conveyed thereby, consequential of Defendant's infringement, pursuant to 35 U.S.C. § 271 subsequent to January 5, 2010.
- (6) That the foregoing damages awards be trebled, pursuant to 35 U.S.C. §284;
- (7) That this is an exceptional case and that Plaintiff be awarded its reasonable costs and attorney's fees, pursuant to 35 U.S.C. § 285;
- (8) That Plaintiff be awarded interest from the date of commencement of infringement as set forth in ¶5 above; and

(9) That Plaintiff has such other and further relief as the Court may deem equitable.

Respectfully submitted.

By: s/Melvin K. Silverman

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Attachments:

Exhibit A: '754 Patent.
Exhibit B: Certificate of Re-Examination.
Exhibit C: Photograph of SQ DYMO Product 1
Exhibit D: Photograph of SQ DYMO Product 2

EXH. A

United States Patent

[19]

[11] Patent Number:

5,735,754

Antonious

[45] Date of Patent:

Apr. 7, 1998

[54] AERODYNAMIC METAL WOOD GOLF CLUB HEAD

[76] Inventor: Anthony J. Antonious, 7738 Calle Facil, Sarasota, Fla. 34238

[21] Appl. No.: 759,924

[22] Filed: Dec. 4, 1996

[51] Int. Cl.⁶ A63B 53/04

[52] U.S. Cl. 473/328; 473/345

[58] Field of Search D21/214, 215, D21/216, 217, 218, 219, 220; 473/327, 328, 324, 228, 286, 345, 346

[56] References Cited

U.S. PATENT DOCUMENTS

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D. 363,749 10/1995 Kenmi D21/214

D. 364,204 11/1995 Lin D21/214
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2,550,846 5/1951 Milligan 473/327
3,841,639 10/1974 Werner 473/286
5,271,622 12/1993 Rogerson 473/327
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5,467,988 11/1995 Henwood 473/328
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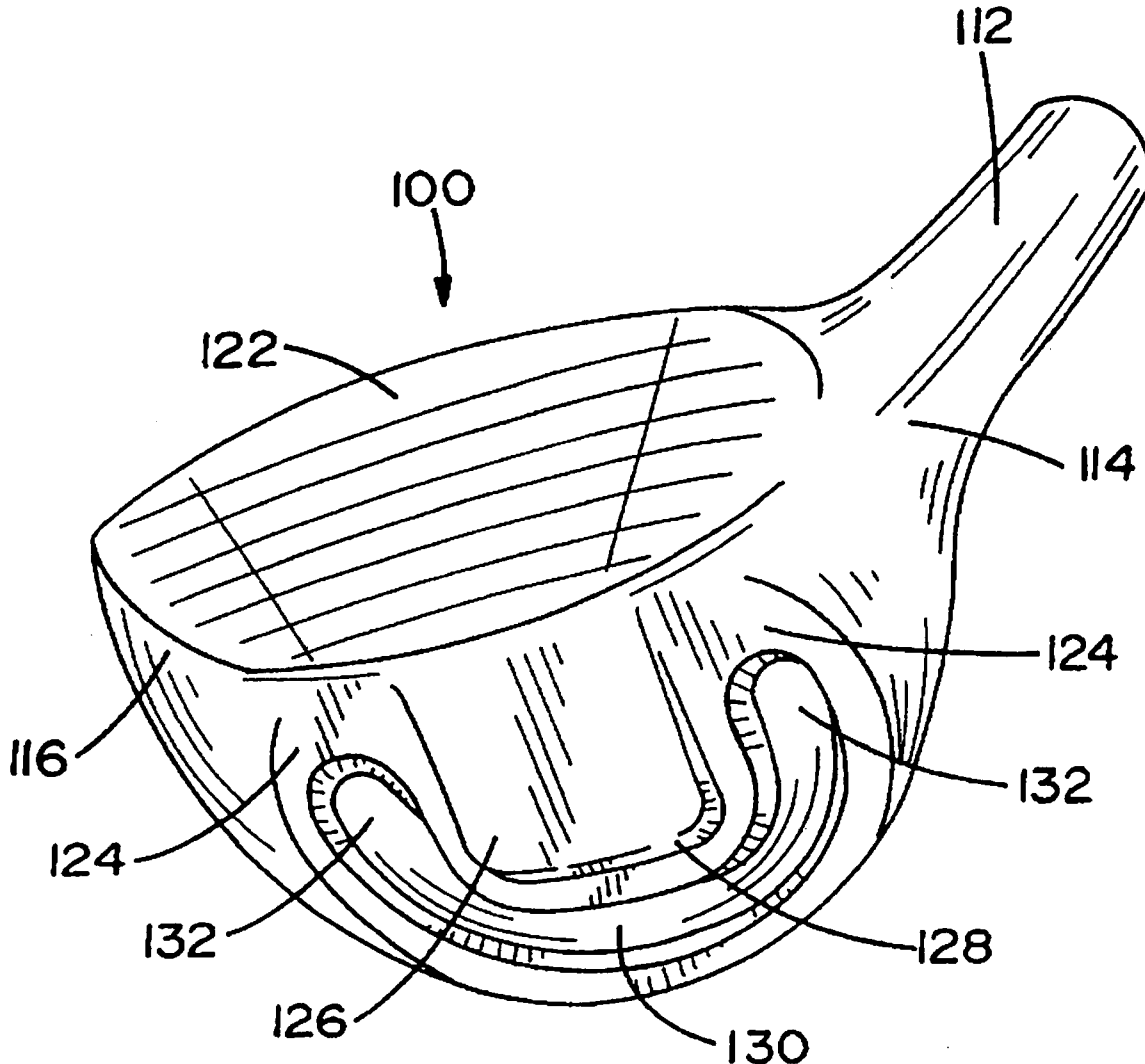
Primary Examiner—Sebastiano Passaniti

Attorney, Agent, or Firm—Aquilino & Welsh

[57] ABSTRACT

A metal wood type golf club head having a c-shaped aerodynamic configuration formed in the bottom surface adjacent a rear surface and having an open end extending forwardly toward the ball striking face in combination with a skid surface.

8 Claims, 3 Drawing Sheets



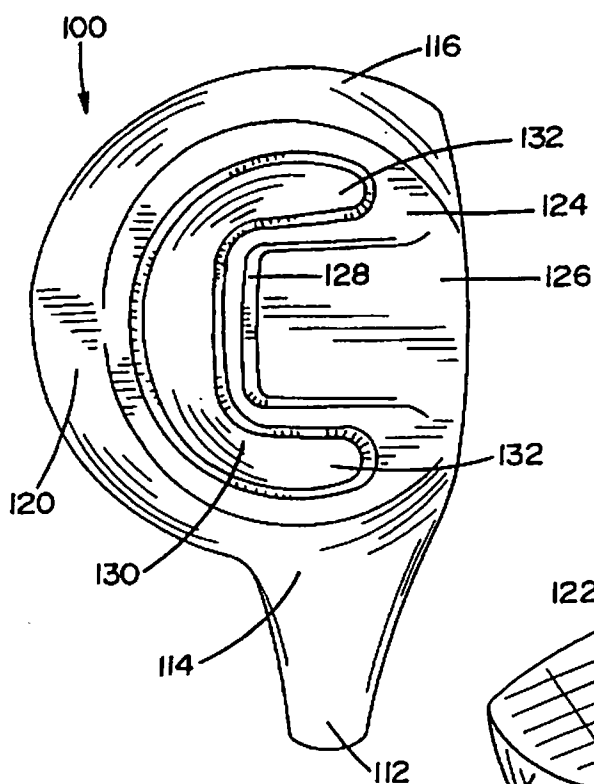


FIG. 1

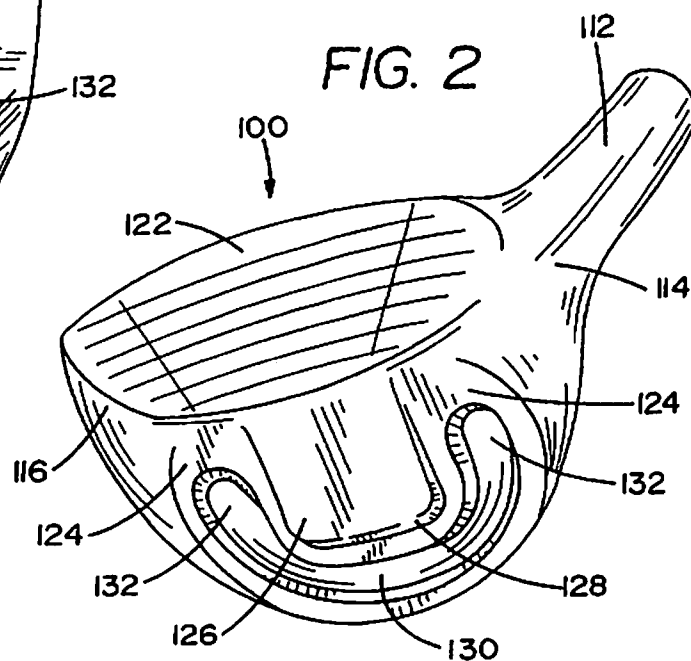


FIG. 2

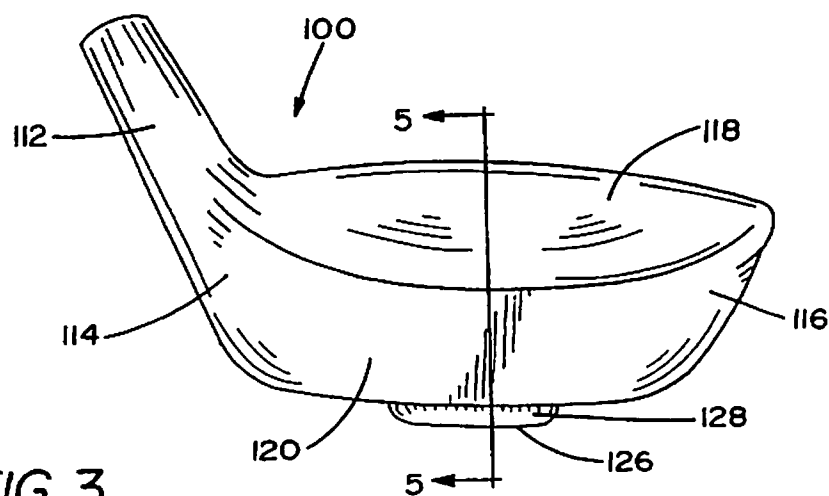


FIG. 3

FIG. 4

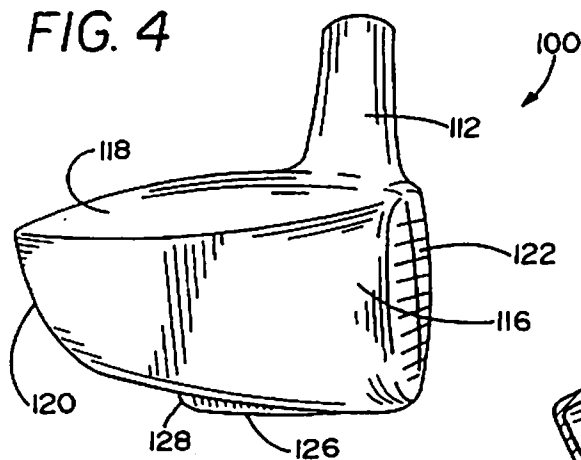


FIG. 5

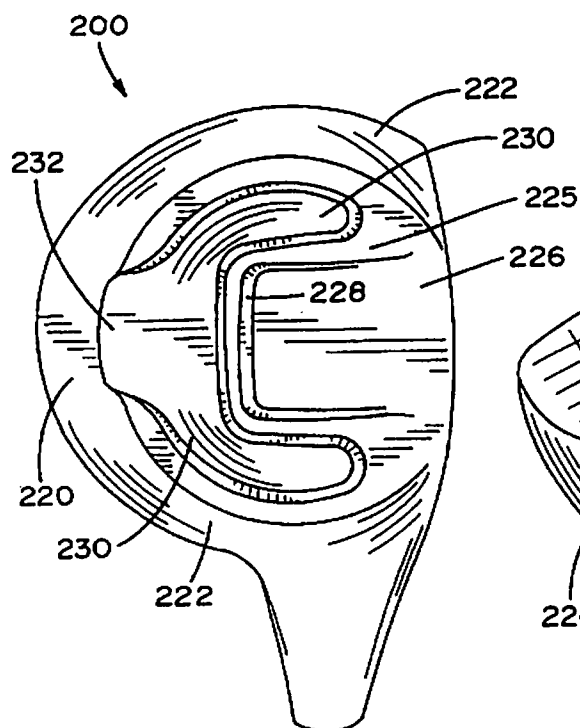
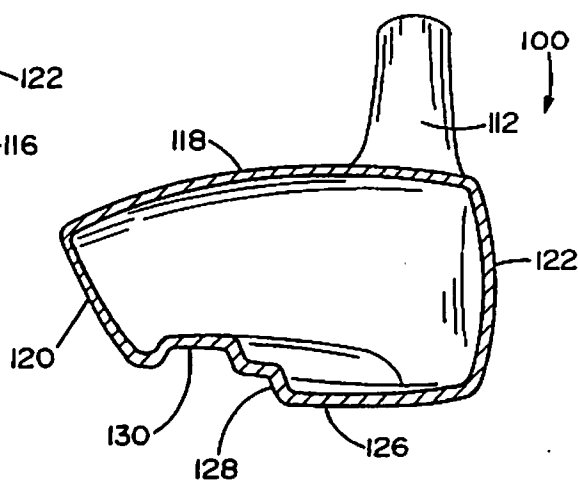


FIG. 6

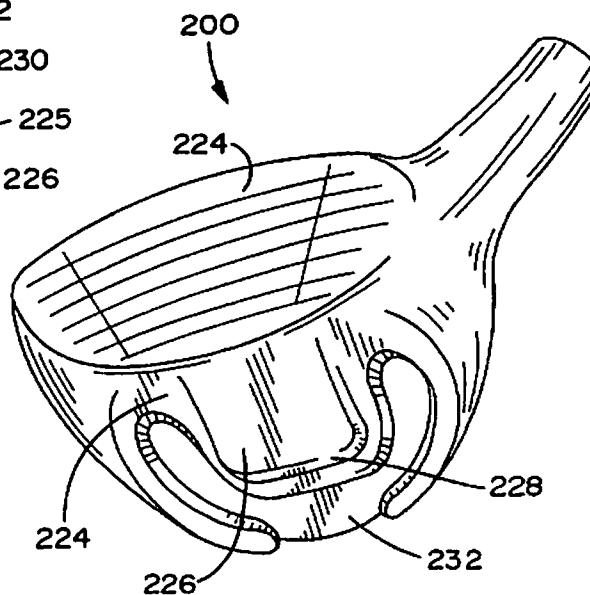


FIG. 7

FIG. 8

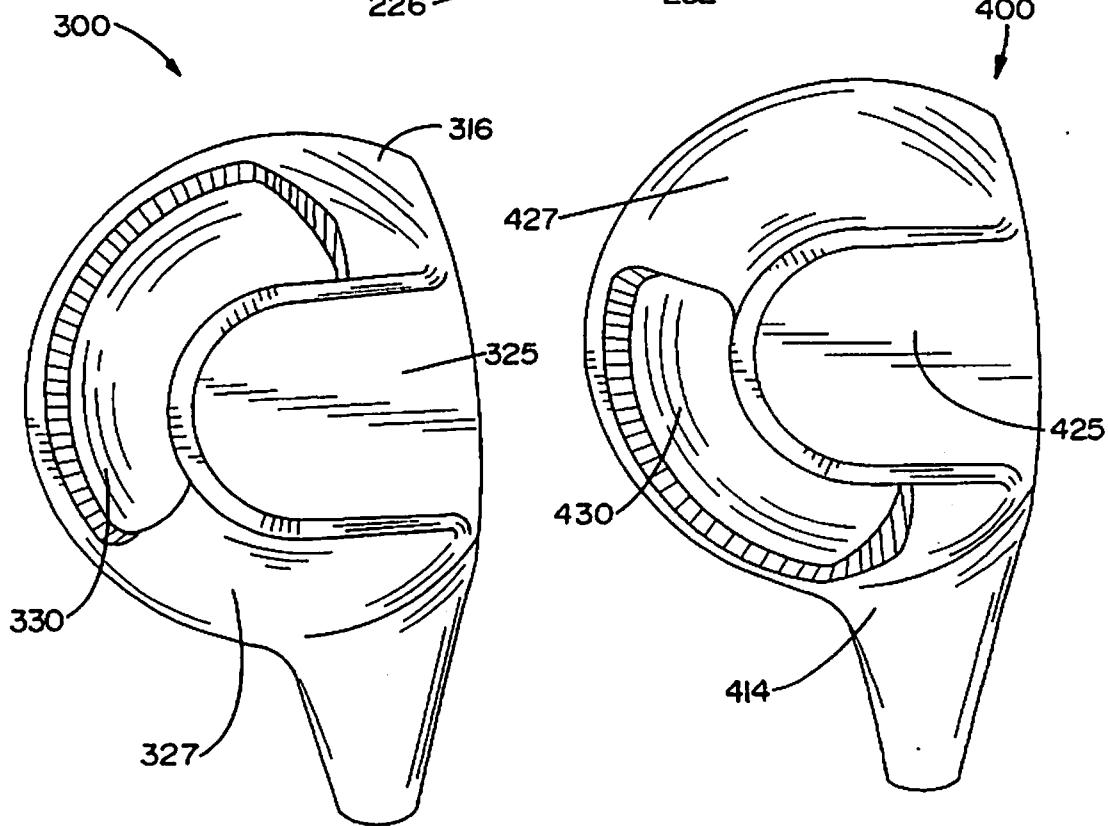
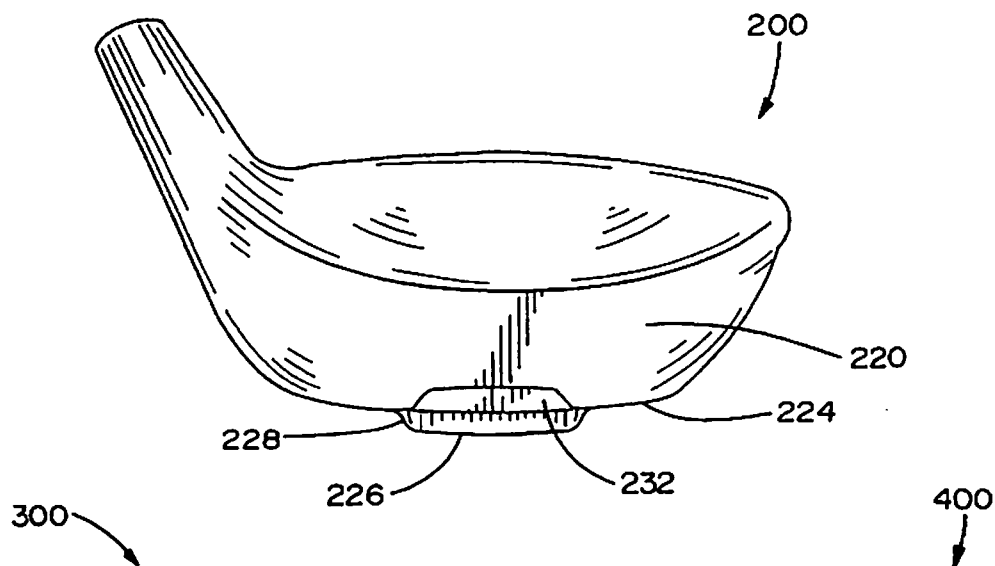


FIG. 9

FIG. 10

AERODYNAMIC METAL WOOD GOLF CLUB HEAD

BACKGROUND OF THE INVENTION

The present invention relates to golf club heads and in particular to a metal wood type golf club head having an improved aerodynamic surface on the bottom rear of the sole.

Wood and metal wood type golf club heads are used for hitting a golf ball a longer distance and are usually used for the first shot of a given golf hole from a tee position. Fairway clubs of the same type are also used "through the green" on a golf hole to obtain maximum distance in the direction of or onto a putting surface. The distance the ball travels is determined by the club head speed at the moment of impact and the weight of the club head in accordance with well known laws of physics. Typical wood and metalwood golf club of this type have aerodynamic surfaces, but conventional shapes create substantial air turbulence, which, in turn, causes adverse erratic movement and aerodynamic drag that reduces the club head speed generated for a given force developed by a golfer for a particular golf swing.

Over the years, club heads have been developed with aerodynamic shapes to increase club head speed by reducing the aerodynamic drag of the club head as it is swung. Prior art examples of these type of golf club heads include U.S. Pat. Nos. D275,412 to Simmons, 2,550,840 to Milligan, 3,997,170 to Goldberg, 4,065,133 to Gordos, 4,900,029 to Sinclair, 5,203,565 to Murray et al, and 5,467,989 to Good et al. as well as my own U.S. Pat. Nos. 4,828,265, 4,930,783, 5,004,241, 5,193,810, 5,221,086 and 5,511,786 among others.

SUMMARY OF THE INVENTION

The present invention represents an improvement over known prior art wood type golf club heads by providing an aerodynamic surface on the bottom sole adjacent the rear edge of the club head, which produces greater club head speed when the club head is swung. This aerodynamic surface reduces undesirable air turbulence which causes aerodynamic drag and creates a smoother, laminar type air flow around the club head. A golf club using this improvement permits a golfer to hit longer and straighter golf shots for a given applied swing force. The aerodynamic structure also creates increased aerodynamic stability of the club head resulting in increased control of the club head position during the swing, especially at impact, thereby producing more consistent golf shots.

The golf club head of the present invention includes a c-shaped aerodynamic slot formed on the bottom sole surface of the club head. In a preferred embodiment, a metal wood type golf club head, having a smooth upper surface and sloped side walls, includes a c-shaped aerodynamic slot located adjacent the rear surface on the bottom surface or sole which generally follows the contours of the peripheral edges of the club head between the sole and the side walls. The open end of the c-shaped slot faces forwardly toward the front ball striking face of the club. The club head may also include a raised sole plate on the bottom surface having a spacer wall which also provides an aerodynamic effect and creates a skid structure enabling the club to skim across the ground surface when the club head is swung to hit a golf ball.

In another preferred embodiment, a venturi slot is provided between the c-shaped slot and the rear surface of the club head to further direct air flow adjacent the rear surface of the club head where most turbulence occurs.

The aerodynamic surfaces of the club head create aerodynamic effects which minimize turbulence and increase laminar air flow to reduce drag resulting in a more stable club head with higher speed for a given application of swing force by the golfer.

A primary object of the present invention is to provide a golf club head having an improved aerodynamic surface on the bottom sole adjacent the rear of the club head to substantially reduce drag and improve swing stability.

Another object is to provide a golf club head which increases club head speed and lift by concentrating air flow near the rear surface of the club head where turbulence occurs to reduce drag on the club head as it is swung.

Other objects and advantages of the present invention will become apparent in the following description of the preferred embodiments taken into conjunction with the accompanying drawings which are incorporated in and constitute a part of the specification and together with the description, serve to explain the principles of the present invention.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a bottom view of an aerodynamic golf club head in accordance with the present invention.

FIG. 2 is a bottom perspective view of the golf club head of FIG. 1.

FIG. 3 is a rear elevational view thereof.

FIG. 4 is an end elevational view thereof.

FIG. 5 is a sectional view taken along the lines 5—5 of FIG. 3.

FIG. 6 is a bottom view of a second embodiment of an aerodynamic golf club in accordance with the present invention.

FIG. 7 is a bottom perspective view of the golf club head of FIG. 6.

FIG. 8 is rear elevational view thereof.

FIG. 9 is a bottom view of a third embodiment of the present invention.

FIG. 10 is a bottom view of a forth embodiment of the present invention.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

The detailed embodiments of the present invention are disclosed herein. It should be understood, however, that the disclosed embodiments are merely exemplary of the invention, which may be embodied in various forms. Therefore, the details disclosed herein are not to be interpreted as limited, but merely as the basis for the claims and as a basis for teaching one skilled in the art how to make and/or use the invention.

FIGS. 1-5 show a first embodiment of a golf club head 100 in accordance with the present invention. The golf club head 100 is conventional in shape, except for the aerodynamic surfaces and includes a hosel 112, heel 114, toe 116, upper surface 118, rear surface 120, ball striking face 122 and bottom surface 124. The bottom sole 124 includes a skid member 126 which extends outwardly from the bottom sole 124 and is separated therefrom by a spacer wall 128. A c-shaped aerodynamic slot 130 is formed on the bottom surface 124 and faces forwardly with open ends 132 of the c-shaped slot 130 being toward the ball striking face 122. Preferably, the c-shaped slot 130 extends from a point adjacent the interface of the bottom surface 124 and rear surface 120 across approximately two thirds of the distance to the ball striking face 122.

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The aerodynamic slot 130 catches air just behind the ball striking face 122 and directs it toward the rear surface 120 within the curved walls of the c-shaped slot 130 of the club head 100. The air is expelled rearwardly out of the slot to minimize turbulence and reduce drag as the club head 100 is swung. At the same time, the skid 126 and spacer walls 128 also serve to direct the air flow rearwardly to increase laminar flow in that area of the club head 100.

FIGS. 6, 7, and 8 show a second embodiment of a golf club head 200 in accordance with the present invention. This club head 200 is similar to that described to the club head hereinabove and includes a hosel 212, heel 214, toe 216, upper surface 218, rear surface 220, upper toe 230, side walls 222, a ball striking face 224, bottom surface 225, a skid 226 and a spacer wall 228 separating the skid 226 from the bottom surface 225. A c-shaped aerodynamic slot 230 is formed on the bottom surface 225 adjacent the rear surface 220. The open end of the slot 230 faces forwardly toward the ball striking face 224.

The slot 230 is formed with a venturi opening 232 which extends rearwardly and upwardly into the rear surface 220 creating an additional air channel to direct the air flow.

FIG. 9 shows another embodiment of the present invention. A golf club head 300 is similar to the club head described in FIGS. 1-5 and includes a bottom surface 325, a side surface 327 and an aerodynamic slot 330 which is offset in the direction of the toe 316 of the club head 300.

FIG. 10 shows another embodiment similar to FIG. 9. A golf club head 400 and includes a bottom surface 425, a side surface 427 and an aerodynamic slot 430 which is offset in the direction of the heel 414 of the club head 400.

It will be appreciated that the offset aerodynamic slots of FIGS. 9 and 10 allow greater club head speed at the heel or toe selectively in order to more effectively accommodate the swing characteristics of a particular golfer, whether left-handed or right-handed.

While various preferred embodiments have been shown and described, it will be understood that there is no intent to limit the invention by such disclosure, but rather, is intended to cover all modifications and alternate constructions falling within the spirit and scope of the invention as defined in the appended claims.

I claim:

1. An aerodynamic golf club head including a club head body having a heel, toe, rear surface, ball striking face, upper surface and bottom surface, wherein the improvement comprises:

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an aerodynamic configuration on said bottom surface adjacent said rear surface in the form of a c-shaped slot having an open end facing forwardly toward said ball striking face; said aerodynamic configuration further including a skid surface formed on and raised from said bottom surface; said skid surface having a wall separating said skid surface from said bottom surface.

2. The aerodynamic golf club head of claim 1 further including a venturi opening in fluid communication with and extending rearwardly from said c-shaped aerodynamic slot toward said rear surface.

3. The aerodynamic golf club head of claim 1 wherein said slot is further defined by being offset from said heel of said club head.

4. An aerodynamic golf club head including a club head body having a heel, toe, rear surface, ball striking face, upper surface and bottom surface, wherein the improvement comprises:

an aerodynamic configuration on said bottom surface adjacent said rear surface in the form of a c-shaped slot having an open end facing forwardly toward said ball striking face; said slot being offset from a center of said bottom surface centerline passing through a longitudinal in a heel-to-toe direction.

5. The aerodynamic golf club head of claim 4 wherein said slot is offset toward said heel.

6. The aerodynamic golf club head of claim 3 wherein said slot is offset toward said toe.

7. The aerodynamic golf club of claim 1 wherein said slot is further defined by being offset from said toe of said club head.

8. An aerodynamic golf club head including a club head body having a heel, toe, rear surface, ball striking face, upper surface and bottom surface, wherein the improvement comprises:

an aerodynamic configuration on said bottom surface adjacent said rear surface in the form of a c-shaped slot having an open end facing forwardly toward said ball striking face; said aerodynamic configuration further including a venturi opening in fluid communication with and extending rearwardly from said c-shaped aerodynamic slot toward said rear surface.

* * * * *

EXH. B



US005735754C1

(12) EX PARTE REEXAMINATION CERTIFICATE (7290th)**United States Patent**
Antonious**(10) Number: US 5,735,754 C1****(45) Certificate Issued: Jan. 5, 2010****(54) AERODYNAMIC METAL WOOD GOLF CLUB HEAD****(75) Inventor: Anthony J. Antonious, Sarasota, FL (US)****(73) Assignee: Anthony J Antonious Irrevocable Trust, Wanaque, NJ (US)****Reexamination Request:**
No. 90/010,266, Sep. 2, 2008**Reexamination Certificate for:**Patent No.: **5,735,754**
Issued: **Apr. 7, 1998**
Appl. No.: **08/759,924**
Filed: **Dec. 4, 1996**

Certificate of Correction issued Jul. 1, 2008.

(51) Int. Cl.
A63B 53/04 (2006.01)**(52) U.S. Cl. 473/328; 473/345****(58) Field of Classification Search None**
See application file for complete search history.**(56) References Cited****U.S. PATENT DOCUMENTS**D350,176 S • 8/1994 Antonious D21/752
5,456,469 A • 10/1995 MacDougall 473/328
D363,961 S 11/1995 Krzynowek et al.
D372,063 S 7/1996 Hueber
6,257,991 B1 7/2001 Ortiz**OTHER PUBLICATIONS**Golf Magazine, Mar. 1994, p. 66, Ben Hogan H40 irons, H40 Woods.
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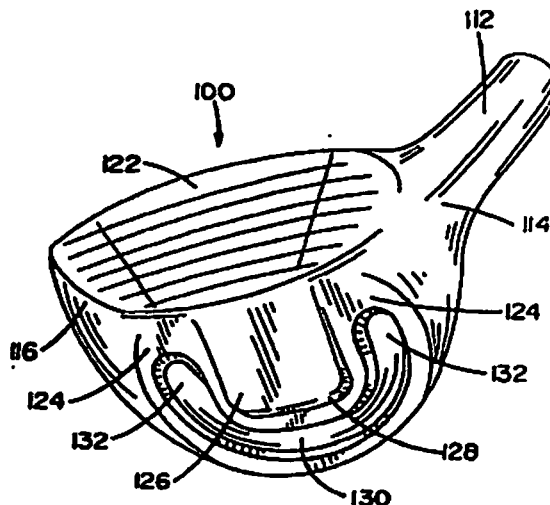
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Primary Examiner—Peter C. English**(57) ABSTRACT**

A metal wood type golf club head having a c-shaped aerodynamic configuration formed in the bottom surface adjacent a rear surface and having an open end extending forwardly toward the ball striking face in combination with a skid surface.



US 5,735,754 C1

1
EX PARTE
REEXAMINATION CERTIFICATE
ISSUED UNDER 35 U.S.C. 307

THE PATENT IS HEREBY AMENDED AS
 INDICATED BELOW.

Matter enclosed in heavy brackets [] appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.

ONLY THOSE PARAGRAPHS OF THE
 SPECIFICATION AFFECTED BY AMENDMENT
 ARE PRINTED HEREIN.

Column 2, lines. 53-67:

FIGS. 1-5 show a first embodiment of a golf club head 100 in accordance with the present invention. The golf club head 100 is conventional in shape, except for the aerodynamic surfaces and includes a hosel 112, heel 114, toe 116, upper surface 118, rear surface 120, ball striking face 122 and bottom surface 124. The bottom sole 124 includes a skid member 126 which extends outwardly from the bottom sole 124 and is separated therefrom by a spacer wall 128. A c-shaped aerodynamic slot 130 is formed on, and substantially parallel with, the bottom surface 124 and faces forwardly with open ends 132 of the c-shaped slot 130 being toward the ball striking face 122. *As shown in FIG. 1, c-shaped aerodynamic slot 130 transects a virtual centerline that passes through ball striking face 122 and rear surface 120 of the club head.* Preferably, the c-shaped slot 130 extends from a point adjacent the interface of the bottom surface 124 and rear surface 120 across approximately two thirds of the distance to the ball striking face 122.

Column 3, lines 22-26:

FIG. 9 shows another embodiment of the present invention. A golf club head 300 is similar to the club head described in FIGS. 1-5 and includes a bottom surface 325, a side surface 327 and an aerodynamic slot 330 on said bottom surface which is substantially parallel with the bottom surface, and offset from a virtual centerline that passes transversely through a heel-to-toe axis of the club head, in the direction of the toe 316 of the club head 300, with a portion of slot 330 passing through the virtual centerline.

Column 3, lines 27-30:

FIG. 10 shows another embodiment similar to FIG. 9. A golf club head 400 [and] includes a bottom surface 425, a side surface 427 and an aerodynamic slot 430 on said bottom surface which is offset from a virtual centerline that passes transversely through a heel-to-toe axis of the club head, in the direction of the heel 414 of the club head 400, with a portion of slot 430 passing through the virtual centerline.

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AS A RESULT OF REEXAMINATION, IT HAS BEEN
 DETERMINED THAT:

The patentability of claim 8 is confirmed.

Claim 4 is cancelled.

Claims 1, 3, 5, 6 and 7 are determined to be patentable as amended.

Claim 2 dependent on an amended claim, is determined to be patentable.

New claim 9 is added and determined to be patentable.

1. An aerodynamic golf club head including a club head body having a heel, toe, rear surface, ball striking face, upper surface and bottom surface, wherein the improvement comprises:

an aerodynamic configuration on, and substantially parallel with, said bottom surface adjacent said rear surface in the form of a c-shaped slot having an open end facing forwardly toward said ball striking face; said aerodynamic configuration further including a skid surface formed on and raised from said bottom surface; said skid surface having a wall separating said skid surface from said bottom surface, said c-shaped slot transecting a virtual centerline passing through said ball striking face and said rear surface of said club head.

3. The aerodynamic golf club head of claim 1 wherein said slot is [further defined by being] offset from said heel of said club head.

5. The aerodynamic golf club head of claim [4] 9 wherein said slot is offset toward said heel.

6. The aerodynamic golf club head of claim [4] 9 wherein said slot is offset toward said toe.

7. The aerodynamic golf club of claim 1 wherein said slot is [further defined by being] offset from said toe of said club head.

9. An aerodynamic golf club head including a club head body having a heel, toe, rear surface, ball striking face, upper surface and bottom surface, in which the improvement comprises:

an aerodynamic configuration within, and substantially parallel to, said bottom surface, adjacent said rear surface, in the form of a c-shaped slot having an open end facing forwardly toward said ball striking face, said slot offset from, and a portion thereof passing through, a virtual centerline passing transversely through a heel-to-toe axis of said club head.

* * * * *

EXH. C



EXH. D

PRODUCTS

TIGER WOODS

ATHLETES

EXPERIENCE

NIKE GOLF

SQ
DYM

SQ DYMO

SQ DYMO STR8-FIT

TEST STR8-FIT

SPECS

GALLERY

SEND

GALLERY

IMAGES

SQ DYMO STR8-FIT

SQ DYMO² STR8-FIT

SQ DYMO

SQ DYMO²

SQ DYMO FW

SQ DYMO² FW



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